



31 MAR 2008

Patent Dept.
EXELIXIS, Inc.
P.O. Box 511, 170 Harbor Way
South San Francisco, CA 94083-0511

In re Application of
Tai et al.
Application No.: 10/523,706
PCT No.: PCT/US03/24561
Int. Filing Date: 06 August 2003:
Priority Date: 07 August 2002
Attorney Docket No.: MBHB05-981-G (EX03-059C-PC)
For: PSMCs As Modifiers Of The RB
Pathway And Methods Of Use

DECISION

This is a decision on the renewed submission under 37 CFR 1.497(d) filed on 02 April 2007.

DISCUSSION

In a decision mailed on 12 February 2007, the declaration of the inventors filed on 20 November 2006 was not accepted, without prejudice, because

In response, applicants have filed a new executed declaration. However, inspection of this declaration reveals that the name "OLLMAN" appearing thereon differs from the name "OLLMANN" listed in the published international application, and the record appears to include no explanation of this discrepancy (e.g., whether it arose from a mere typographical error). It is also noted that the declaration includes an un-initialed alteration to Kim Lickteig's mailing address (such that it is unclear whether the address was added before or after she signed the declaration). In view of the discrepancy noted above, it would not be appropriate to accept the declaration filed on 20 November 2006 at this time.

Applicants have submitted a declaration document in which the alterations to the information pertaining to inventors Ollmann and Lickteig has been initialed. However, these changes clearly were initialed after the declaration was signed. Attention is drawn to 37 CFR 1.52(c)(1) and MPEP 605.04(a).

CONCLUSION

The request under 37 CFR 1.497(d) is **DISMISSED**, without prejudice.

Applicants are required to submit a complete oath or declaration in compliance with 37 CFR 1.497(a) and (b) within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT** of this application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.497(d)." No additional processing fee is required.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459